

Renumber the subsequent sections appropriately.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 187 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **CONGRATULATORY RESOLUTIONS**

**H.C.R. 55** - (Brooks): Honoring the United Way's "Youth at Risk" program and celebrating the gala opening of the Mall of the Mainland.

**H.C.R. 56** - (Brooks): Declaring February 7, 1991, as Daughters of the Republic of Texas Centennial Day at the Capitol.

**H.C.R. 74** - (Armbrister): Recognizing September 15-21, 1991, as Community Banking Week in Texas.

**S.C.R. 47** - By Zaffirini, Leedom: Endorsing the Bill of Responsibilities of the Freedom Foundation at Valley Forge.

**S.R. 214** - By Barrientos: Recognizing Paul F. Roth who is retiring from his position as President of the Texas Division of Southwestern Bell Telephone Company.

**S.R. 231** - By Carriker: Granting permission to the Texas YMCA Youth and Government Program to use the Senate and House Chambers of the State Capitol.

**S.R. 232** - By Barrientos: Extending congratulations to Teresa and Genaro Esparza on the occasion of their 66th wedding anniversary.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:18 a.m. adjourned until 2:00 p.m., Monday, February 25, 1991.

#### **TWENTIETH DAY (Monday, February 25, 1991)**

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley,

Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Pastor James Bennett, St. Martin's Lutheran Church, Austin, offered the invocation as follows:

Our great God and Lord, to whom we owe the gift of this day's life; give to us also we ask, the spirit to use it as we ought. Breath into us good and just desires. Let Your truth inform our minds.

Be in us all that we may learn lowliness of heart, gentleness of bearing, all modesty of speech, all helpfulness of action in our service to the people of this State.

We pray this day especially for all who are working for liberty and justice among nations, our men and women who storm the sands of the desert in battle. Protect them by Your grace and return them to those who love them.

This we pray in the name of Your Son, Jesus Christ our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 21, 1991, was dispensed with and the Journal was approved.

#### **CO-AUTHOR OF SENATE BILL 358**

On motion of Senator Green and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 358.

#### **CO-AUTHOR OF SENATE BILL 195**

On motion of Senator Ratliff and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 195.

#### **REPORT OF STANDING COMMITTEE**

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the TEXAS COMMISSION FOR THE DEAF: Ms. Texana Faulk Conn, Travis County.

To be a Member of the STATE PROPERTY TAX BOARD: Roy Orr, Dallas County.

To be a Member of the TEXAS PUBLIC FINANCE AUTHORITY: Marc R. Stanley, Dallas County.

To be Members of the TEXAS RACING COMMISSION: Ms. Anne Dunigan-Wilson, Taylor County; Ms. Patricia Harlow Pangburn, Tarrant County.

To be Members of the STATE BOARD OF PLUMBING EXAMINERS: Alonzo L. Starkey III, Kerr County; Michael Joseph Warren, Tarrant County.

To be DISTRICT ATTORNEY OF THE 52ND JUDICIAL DISTRICT COURT, CORYELL COUNTY: Ms. Sandy S. Gateley, Coryell County.

To be a Member of the DEPARTMENT OF INFORMATION RESOURCES: John Keel, Travis County.

To be a Member of the UNDERGROUND STORAGE TANK ADVISORY COMMITTEE: Rafael Ortega, Harris County.

To be a Member of the TEXAS STATE LIBRARY AND ARCHIVES COMMISSION: Byron Louis LeFlore, Bexar County.

THE FOLLOWING NOMINEE WAS REPORTED WITH NO RECOMMENDATION:

To be a Member of the BOARD OF DIRECTORS, TEXAS DEPARTMENT OF COMMERCE: Jack M. Rains, Harris County.

# RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.J.R. 5  
S.C.R. 32  
S.C.R. 33  
S.C.R. 37  
S.C.R. 45

# SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 546 by Barrientos, Rosson State Affairs  
Relating to the abolition of the Texas Housing Agency and the Texas Department of Community Affairs and to the transfer of their functions to, and the creation and functions of, the Texas Department of Housing and Community Affairs.

S.B. 549 by Green, Lucio Intergovernmental Relations  
Relating to a prohibition against the placement of a correctional facility in close proximity to a school, church, or child-care facility.

S.B. 550 by Krier, Barrientos Economic Development  
Relating to the board of directors of the Texas High-Speed Rail Authority.

S.B. 551 by Ellis State Affairs  
Subcommittee on Elections and Ethics  
Relating to voter registration and notice of elections.

S.B. 552 by Bivins Finance  
Relating to the investment of the permanent school fund.

S.B. 553 by Sims Natural Resources  
Relating to the ability of the Texas Low-Level Radioactive Waste Disposal Authority to accept waste from sources other than Texas.

S.B. 554 by Lyon Criminal Justice  
Relating to the requirement that the thumbprint of certain juveniles be placed on an adjudication order.

S.B. 555 by Lyon Criminal Justice  
Relating to the adjudication and disposition of a child engaging in conduct indicating a need for supervision.

S.B. 556 by Ellis Criminal Justice  
Relating to the murder of an individual under six years of age as a capital offense.

S.B. 557 by Montford, Bivins Finance  
Relating to indemnification by the state in certain civil actions.

- S.B. 558** by Whitmire Economic Development  
Relating to the registration of certain painting contractors; providing a criminal penalty.
- S.B. 559** by Whitmire Intergovernmental Relations  
Relating to membership in, and benefits and administration of, retirement systems for municipal employees in certain cities.
- S.B. 560** by Haley Finance  
Relating to the application of the professional prosecutors law to the criminal district attorney of San Jacinto County.
- S.B. 561** by Haley Finance  
Relating to the application of the professional prosecutors law to the criminal district attorney of Polk County.
- S.B. 562** by Lucio State Affairs  
Relating to the creation, powers, and duties of the Automobile Theft Prevention Authority.
- S.B. 563** by Lyon Criminal Justice  
Relating to warrantless arrests, amending Chapter 14 of the Code of Criminal Procedure, 1965, as amended.
- S.B. 564** by Lyon Economic Development  
Relating to the licensing and regulation of electricians and electrical contractors; providing a criminal penalty.
- S.B. 566** by Ellis Health and Human Services  
Relating to the regulation of the practice of chiropractic.
- S.B. 567** by Zaffirini Health and Human Services  
Subcommittee on Health Services  
Relating to certain continuing education requirements for a dental hygienist license.
- S.B. 568** by Green Jurisprudence  
Relating to public availability of information concerning the attorney discipline system in this state.
- S.B. 569** by Green Jurisprudence  
Relating to an appeal from an order of a juvenile court.
- S.B. 570** by Green Jurisprudence  
Relating to the appointment of counsel for an indigent child for certain juvenile law proceedings.
- S.B. 571** by Green Jurisprudence  
Relating to a hearing that may be held before a referee under Title 3, Family Code.
- S.B. 572** by Green Education  
Relating to the duties of attendance officers.
- S.B. 573** by Leedom State Affairs  
Relating to awarding the Texas Desert Shield/Desert Storm Campaign Medal to certain members of the Texas National Guard.
- S.B. 574** by Barrientos Health and Human Services  
Relating to the membership of the State Board of Dental Examiners.
- S.B. 575** by Leedom Intergovernmental Relations  
Relating to a prohibition against the placement of a correctional facility in close proximity to a residential zoning area, private residence, school, park, recreation area, or church, synagogue, or other house of worship.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

**PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas  
February 20, 1991

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann Richards, Governor of the State of Texas, submit the following emergency matter for the immediate consideration by the 72nd Legislature, now convened:

Legislation relating to the term of office and date of  
election of the commissioners of the Port of Port  
Arthur Navigation District.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially  
caused the Seal of State to be affixed at my  
Office in the City of Austin, Texas, this the 20th  
day of February, A.D. 1991.

/s/Ann W. Richards  
Governor of Texas

ATTEST:

/s/John Hannah, Jr.  
Secretary of State

(Senator Glasgow in Chair)

**SENATE RESOLUTION 233**

Senator Parker offered the following resolution:

**S.R. 233**, Honoring Robert Rauschenberg of Port Arthur for his outstanding work on behalf of international cultural understanding.

The resolution was read and was adopted by a viva voce vote.

**SENATE RESOLUTION 230**

Senator Bivins offered the following resolution:

**S.R. 230**, Urging the Texas Department of Human Services to initiate a pilot program of electronic benefit transfers for processing food stamp benefits.

The resolution was read and was adopted by a viva voce vote.

**GUESTS PRESENTED**

Senator Dickson was recognized and introduced Dixie Haggart, Betty Delmonte and Sue Jennings, and his wife, Katherine. These ladies have piloted a program to help pregnant teenagers in Nolan County.

The Senate welcomed these ladies.

**SENATE BILL 514 REREFERRED**

On motion of Senator Turner and by unanimous consent, **S.B. 514** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Finance.

**CAPITOL PHYSICIAN**

Senator Brooks was recognized and presented Dr. David Partridge of Mexia.

Dr. Partridge, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

**SENATE JOINT RESOLUTION 6 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.J.R. 6** be taken up for consideration at this time:

**S.J.R. 6**, Proposing a constitutional amendment relating to investments by statewide public retirement systems.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**SENATE JOINT RESOLUTION 6 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.J.R. 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

(President in Chair)

**MOTION TO PLACE COMMITTEE SUBSTITUTE  
SENATE BILL 5 ON SECOND READING**

Senator Henderson moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 5** be taken up for consideration at this time:

**C.S.S.B. 5**, Relating to requiring an election before the adoption or implementation of a rail plan by certain metropolitan rapid transit authorities.

The motion was lost by the following vote: Yeas 22, Nays 6. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Dickson, Glasgow, Green, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lyon, Moncrief, Montford, Sims, Tejada, Turner, Whitmire, Zaffirini.

Nays: Ellis, Haley, Parker, Ratliff, Rosson, Truan.

Absent: Carriker, Lucio.

**COMMITTEE SUBSTITUTE  
SENATE BILL 114 ON SECOND READING**

Senator Sims moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 114 be taken up for consideration at this time:

**C.S.S.B. 114**, Relating to the creation of the offense of interference with animals or animal facilities.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Carriker, Lucio.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 114 as follows:

Add language on page 1, line 11, between 'production' and '':

"but does not include an animal held primarily as a pet"

The amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 114 as follows:

Add language on page 1, line 25, between words 'person' and 'without':

" , after notice is given and "

Delete following language beginning on page 2, line 1, after the word 'facility':

"and he"

Delete language on page 2 lines 3, 4, and 5.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 114 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 114 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

(Senator Glasgow in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 245 ON SECOND READING**

Senator Barrientos moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 245 be taken up for consideration at this time:

**C.S.S.B. 245**, Relating to the right of state employees voluntarily to designate any portion of their earned income to certain state employee and charitable organizations.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Ratliff, Sims.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend **C.S.S.B. 245** as follows:

In Section 5, Article 6813g strike "may" and substitute "shall".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Brown, Bivins, Sims and Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 245 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 245 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Ratliff, Sims.

Absent: Harris of Dallas.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.



Nays: Bivins, Brown, Leedom, Ratliff, Sims.

Absent: Harris of Dallas.

**COMMITTEE SUBSTITUTE  
SENATE BILL 170 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 170 be taken up for consideration at this time:

C.S.S.B. 170, Relating to the creation of the County Court at Law No. 2 of Webb County.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 170 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 170 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 169 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 169 be taken up for consideration at this time:

S.B. 169, Relating to the private practice of law by the judge of the Starr County Court at Law and to the prosecutors serving that court.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 169 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 169 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

**SENATE BILL 206 ON SECOND READING**

Senator Green moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 206 be taken up for consideration at this time:

S.B. 206, Relating to the qualifications of certain special judges.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 206 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 206** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

#### **SENATE BILL 254 ON SECOND READING**

Senator Haley moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 254** be taken up for consideration at this time:

**S.B. 254**, Relating to amending Chapter 168, Agricultural Code, to transfer pullorum disease and fowl typhoid control responsibilities currently assigned to the Texas Agricultural Experiment Station to the Texas Veterinary Medical Diagnostic Laboratory.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 254 ON THIRD READING**

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 254** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

#### **GUESTS PRESENTED**

Senator Brooks was recognized and introduced members of the Texas Dental Hygiene Association seated in the gallery.

The Senate welcomed these guests.

#### **SENATE BILL 276 ON SECOND READING**

Senator Johnson moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 276** be taken up for consideration at this time:

**S.B. 276**, Relating to notice of violations of certain municipal sanitation regulations.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 276 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 276 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

**SENATE BILL 278 ON SECOND READING**

Senator Johnson moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 278 be taken up for consideration at this time:

**S.B. 278**, Relating to the authority of a municipality to secure a substandard building.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 278 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

**COMMITTEE SUBSTITUTE****SENATE BILL 211 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 211 be taken up for consideration at this time:

**C.S.S.B. 211**, Relating to the financing of personal property by governmental agencies.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 211 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 211 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

**SENATE BILL 54 ON SECOND READING**

Senator Haley moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 54** be taken up for consideration at this time:

**S.B. 54**, Relating to the maximum height of a vehicle on a highway.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 54 ON THIRD READING**

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

(Senator Harris of Dallas in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 100 ON SECOND READING**

Senator Haley asked unanimous consent to suspend the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**C.S.S.B. 100**, Relating to the types of plants and trees to be displayed in the Capitol or on its grounds or used in landscaping work on the Capitol grounds.

There was objection.

Senator Haley then moved to suspend the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution to take up **C.S.S.B. 100** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 100 ON THIRD READING**

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 100** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Brooks.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Brooks, Leedom.

#### **GUESTS PRESENTED**

The Presiding Officer, Senator Harris of Dallas, acknowledged the presence of former Senator Peyton McKnight and former Representative Wayland Simmons.

The Senate welcomed the former legislators.

#### **SENATE BILL 26 ON SECOND READING**

Senator Glasgow moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 26 be taken up for consideration at this time:

**S.B. 26**, Relating to the Texas Council on Offenders with Mental Impairments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time.

Senator Sims offered the following committee amendment to the bill:

Amend **S.B. 26** by adding the following new language on page 4, line 4 between the words "disabilities" and "and": , at least one of whom shall be a psychiatrist.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 26 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 203 ON SECOND READING**

Senator Glasgow moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 203 be taken up for consideration at this time:

**S.B. 203**, Relating to the preparation of a jury list in a criminal case.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 203 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 208 ON SECOND READING**

Senator Green moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 208 be taken up for consideration at this time:

**S.B. 208**, Relating to restrictions on the issuance of permits to certain persons by the Texas Department of Health, the Texas Air Control Board, and the Texas Water Commission.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **S.B. 208** as follows:

(1) After Section 4 of the bill, add a new Section 5 to read as follows:

“SECTION 5. Subchapter F, Chapter 402, Health and Safety Code, is amended by adding Section 402.1541 to read as follows:

Sec. 402.1541. PROHIBITION ON ISSUANCE OF LICENSE. The department may not issue a license for a proposed disposal site if the board selected the proposed disposal site in violation of this chapter or a rule adopted under this chapter.”.

(2) Renumber remaining sections accordingly.

The amendment was read.

On motion of Senator Brooks and by unanimous consent, the amendment was tabled by a viva voce vote.

Senator Glasgow offered the following amendment to the bill:

**Floor Amendment No. 2**

(1) In Subsection (d), Section 361.0884 (Committee Printing page 1, line 53), between “public utility” and the period, insert “, and does not apply to a confined animal feeding operation regulated by the commission”.

(2) In Subsection (d), Section 382.064 (Committee Printing page 2, line 20), between “public utility” and the period, insert “, and does not apply to a confined animal feeding operation”.

(3) In Subsection (e), Section 26.0284 (Committee Printing page 3, line 1), between “public utility” and the period, insert “, and does not apply to a confined animal feeding operation”.

(4) In Subsection (d), Section 271.0181 (Committee Printing page 3, line 39), between “public utility” and the period, insert “, and does not apply to a confined animal feeding operation”.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 208 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 208 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Lyon and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider S.B. 556 tomorrow.

#### **RECESS**

On motion of Senator Brooks, the Senate at 4:01 p.m. took recess until 6:00 p.m. today.

#### **AFTER RECESS**

The Senate met at 6:00 p.m. and was called to order by the President.

#### **FLOOR PRIVILEGES GRANTED**

On motion of Senator Brooks and by unanimous consent, the Committee on State Affairs and guests were granted permission to remain on the Senate floor while the Senate was in session.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
February 25, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 188, Relating to emergency services districts in certain counties.

S.B. 104, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **MEMORIAL RESOLUTION**

S.R. 235 - By Lucio: In memory of Chester Rene Gonzales, Jr.

#### **CONGRATULATORY RESOLUTIONS**

S.R. 234 - By Lucio: Extending congratulations to Morris Atlas of McAllen for being named 1991 Border Texan of the Year.

**S.R. 236** - By Tejeda: Recognizing the Texas Publishers Association on the occasion of their Fifth Annual Convention in San Antonio.

**S.R. 238** - By Truan: Recognizing Dorothy Gollihar Krause on her retirement after many years of loyal service with the Corpus Christi District Retail Grocers Association and the National Retail Grocers Secretaries Association.

**S.R. 241** - By Henderson: Extending congratulations to Michael Cooper from the Spring 4-H Club for being selected to participate in the Houston Livestock Show and Rodeo Calf Scramble.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 6:02 p.m. adjourned until 11:00 a.m. tomorrow.

#### APPENDIX

Sent to Governor  
(February 25, 1991)

**S.C.R. 32**

**S.C.R. 33**

**S.C.R. 35**

**S.C.R. 37**

**S.C.R. 44**

**S.C.R. 45**

Filed with Secretary of State  
(February 25, 1991)

**S.J.R. 5**

#### TWENTY-FIRST DAY (Tuesday, February 26, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Zaffirini.

Absent-excused: Whitmire.

A quorum was announced present.

The Reverend Jack Riley, First Baptist Church, San Saba, offered the invocation as follows:

Heavenly Father, we acknowledge Your love and grace given to us this day. Thank You for Your wise decision to set up government so that people might have a means by which to govern each other.

Grant, Heavenly Father, to the Members and the Officers of this body Your wisdom and guidance as they seek to conduct their business on this beautiful day.